

Notice of Allowability

Application No.

09/941,877

Examiner

Thomas M. Ho

Applicant(s)

CATO ET AL.

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/9/05.
2. ☒ The allowed claim(s) is/are 1-54.
3. ☒ The drawings filed on 29 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>8/29/01</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

1. *The amendment of 6/9/05 has been received and entered.*

Reasons for Allowance

2. Applicant concisely sums up the differences between the present invention and the prior art in arguments on paragraphs 3,4 of page 23.

"The present invention is directed to brokering a transaction between a plurality of users of wireless communication devices, such as PDAs, laptops, and cell phones. According to the present invention, each wireless communication device is enabled to transmit data directly to and receive data directly from other similarly enabled wireless devices over a wireless personal area network (WPAN). For Example, each device can include a transceiver that is capable of transmitting and receiving data over a WPAN using the IEEE 802.15 data transmission protocol. (Specification, page 6, lines 17-21). Thus, such wireless devices can exchange data directly with one another without an external network if the devices are within range of one another.

According to the present invention, instead of posting a request to sell or buy an item on a central website, such as Ebay, the requestor/user enters the request into his or her enabled wireless device. To distribute the request to potentially interested users, the request is transmitted directly from the requestor's device to other enabled wireless devices over a WPAN so that the users associated with each of the other devices are notified of the request. (Spec,

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page 7, line 22 to page 8, line 6). If a user is interested in buying or selling the item requested, i.e., the user is interested in completing the transaction, the user sends a response to a third party facilitator, which then coordinates the transaction. (Spec., page 10, line 18 to page 11, line 8)"

The Examiner notes that in light of the recent amendments made to the independent claims, the term "directly" refers to the transmission from one client to another without the use of a third party server connection or a central hub. Those skilled in the art will recognize that the client server structure, in which a client interacts with another client through a central network hub or processing center is the most prevalent way through which clients are connected. Thus, Applicant's distinction is important.

The system of Chatterjee et al., US patent 6,922,675 discloses a method of transaction brokering among distributed marketplaces.

The Examiner believes the decentralized brokering and commerce system of Chatterjee et al. reads more strongly upon the newly amended independent claims recited by the Applicant than the previously cited art. Chatterjee et al. discloses a system in which a set of marketplaces are decentralized and are connected through a broker which negotiates and facilitates transactions. (Column 7, lines 1-8) The brokers themselves however may form a network of brokers which

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interact directly with one another, each of them sharing information from their own respective marketplaces to complete a transaction. However, the network of brokers is distinct from the clients as stated in (Column 10, lines 1-20) and (column 6, lines 5-20)

In reference to claim 1:

Chatterjee et al. discloses a method for brokering a transaction between a plurality of wireless communication devices, comprising the steps of:

- a) enabling each wireless device to transmit data directly to and receive data directly from other similarly enabled wireless devices over a wireless personal area network (Column 4, line 17-25) & (Column 4, line 62-65)
- b) Entering a request related to an object to be brokered into a first enabled wireless device. (Column 10, lines 1-20)
- c) Transmitting the request directly from the first wireless device to other wireless devices over the wireless personal area network such that the users associated with each of the other enabled wireless devices are notified of the request. (Column 5, lines 10-40) & (Column 6, line 63 – Column 7, line 8)
- d) Receiving a response to the request by a third party facilitator from a user of a wireless device interested in completing the transaction; (Column 10, lines 1-20)
- e) Completing the transaction by the third party facilitator. (Column 4, lines 44-58)

Chatterjee et al. fails to disclose the embodiment wherein each wireless device is a client device associated with a user. Chatterjee et al. discloses an embodiment wherein each wireless device can interact with one another, but does not state that these devices are clients, but rather brokers themselves. It is the Examiners position that an obviousness type rejection under 35 USC 103 using the brokers as clients is untenable in this case, because Chatterjee et al. (Column 10, lines 1-5) states it is the user that requests the transaction of goods.

In reference to claim 41:

Chatterjee et al. discloses a method for facilitating a brokered transaction between a plurality of wireless communication devices, wherein the plurality of wireless communication devices includes a seller device and a buyer device, the method comprising steps of:

a) enabling each wireless communication device to transmit data directly to and receive data directly from other similarly enabled wireless devices over a wireless personal area network.

(Column 4, line 17-25) & (Column 4, line 62-65)

b) providing a plurality of broker devices of the plurality of wireless communication devices that disseminate an offer for sale of an item propagated by a user of the seller device; (Column 10, lines 1-20) & (Column 6, lines 5-20)

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c) receiving a facilitator for a response from a user of the buyer device to the offer for sale received from at least two of the broker devices (Column 6, lines 5-20)

e) completing the transaction between the users of the at least two broker devices, the seller device, and the buyer device. (Column 6, lines 5-20)

Chatterjee et al. fails to disclose the encrypted identifying information

b) providing a plurality of broker devices of the plurality of wireless communication devices that disseminate an offer for sale of an item propagated by a user of the seller device;

wherein the final transaction record includes encrypted identifying information for the user of the seller device, identifying information for a user of one broker device.

d) decoding the encrypted identifying information; and

The Examiner however takes official notice that encrypting and decrypting identifying information was well known in the art at the time of invention. For Example, using an encoded PIN number of password or a username would provide identifying information for the user of the seller device.

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Chatterjee et al. also fails to disclose a final transaction record. However, it is the Examiners position that a final transaction record, encrypted or not, was well known in the art at the time of invention. It is commonplace to document all parties of a final transaction to present of copy of the goods exchanged between parties. Final records of exchanges in the form of contracts, receipts, digital confirmations of items purchased is frequently employed in the art of digital commerce. For example, online statements or ebay records of items sold on auction systems.

Chatterjee et al. also fails to disclose the embodiment however wherein each wireless device is a client device associated with a user.

Multiple searches of the prior art have failed to uncover the invention as amended by the Applicant. No motivation to combine or alter the newly found stronger prior art, Chatterjee et al. can be found. For this reason, Claims 1 and 41 are allowable.

Independent claims 21, 34, 44 are substantially similar to claim 1, and are allowable for the same reasons.

Claims 2-20, 22-33, 35-43, 45-54 depend from allowable independent claims 1, 21, 34, 41, 44, and are thus allowable for that reason.

Conclusion

3. Any inquiry concerning this communication from the examiner should be directed to Thomas M Ho whose telephone number is (571)272-3835. The examiner can normally be reached on M-F from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A. Morse can be reached on (571)272-3838.

The Examiner may also be reached through email through Thomas.Ho6@uspto.gov

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

General Information/Receptionist	Telephone: 571-272-2100	Fax: 703-872-9306
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TMH

August 21st, 2005


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